

## INDEX\*

(The following abbreviations refer to sections of the *Journal*: *BN*, Briefer Notices; *BR*, Book Reviews and Notes; *CD*, Current Developments; *CE*, Collected Essays; *Corr.*, Correspondence; *CP*, Contemporary Practice of the United States Relating to International Law; *Ed.*, Editorial Comments; *ID*, International Decisions; *LA*, Leading Article; *NC*, Notes and Comments; *Sym*, Symposium. Other abbreviations include: *AJIL*, *American Journal of International Law*; *ASIL*, American Society of International Law; *ECHR*, European Court of Human Rights; *FRY*, Federal Republic of Yugoslavia; *GDR*, German Democratic Republic; *IACHR*, Inter-American Court of Human Rights; *ICAO*, International Civil Aviation Organization; *ICC*, international criminal court; *ICCPR*, International Covenant on Civil and Political Rights; *ICJ*, International Court of Justice; *ICTR*, International Criminal Tribunal for Rwanda; *ILC*, International Law Commission; *INTELSAT*, International Telecommunications Satellite Organization; *NAFTA*, North American Free Trade Agreement; *NATO/SFOR*, North Atlantic Treaty Organization/Stabilization Force; *UK*, United Kingdom; *UN*, United Nations; *UNCITRAL*, United Nations Commission on International Trade Law; *UNESCO*, United Nations Educational, Scientific and Cultural Organization; *US*, United States; *WTO*, World Trade Organization.)

- Abraham, David, *ID* 204-12
- Académie de Droit International, Recueil des Cours:  
Collected Essays of the Hague Academy of International Law, 1999, *CE* 748, 2000 (Vols. 284, 285)  
*CE* 1004
- Accommodating Individual Criminal Responsibility and National Reconciliation: The UN Truth Commission for East Timor, *CD* 952
- Afghanistān**  
and attacks on September 11, 2001, 833-43
- Air and space law**  
privatization of *INTELSAT*, *CP* 893-5
- Akhavan, Payam, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?, *Sym.* 7
- Al Qaeda, and acts of September 11, 2001, 839-43
- Al-Khasawneh, Awn Shawkat, elected ICJ judge, 685
- Alston, Philip, on custom, 760
- Alvarez, José E.  
*BR* of Charlesworth & Chinkin, 459  
on prosecutions before Rwandese courts, 25
- Amann, Diane Marie, *BR* of Schabas, 739
- American Convention on Human Rights** (1969), 172-8, 178-85, 881
- American Declaration of the Rights and Duties of Man** (1948), 880
- American Society of International Law**  
memorandum to Congress on ICC, *CD* 967-9
- An Agenda for Peace, 104, 580
- Andenæs, Johannes, on social disapproval through legal process, 12-3
- Anderson, Douglas S. *See* Yost, Mark J.
- Antarctic Treaty** (1959), 167, 290, 298
- Arbitration**  
indispensable third parties, *ID* 927-33  
justiciability of dispute under *UNCITRAL* Rules, *ID* 927-33
- Argibay, Carmen María, judge at Women's International War Crimes Tribunal 2000, 338
- Armed Conflicts**  
categories, 358
- Armenia**  
defeat of US House of Representatives resolution on "Armenian genocide," *CP* 396-7
- Arms control**  
UN conference on illicit trade in small arms, and US, *CP* 901-3  
US rejection of Protocol to Biological Weapons Convention, *CP* 899-901
- Asian Yearbook of International Law* (Vol. 7, 1999), *CE* 748
- Askin, Kelly D., & Dorean M. Koenig (eds.), Women and International Human Rights Law, (Vol. 3), *BN* 1001
- Aust, Anthony, *Modern Treaty Law and Practice*, *BR* 468
- Australia**  
in arbitral case with New Zealand against Japan about Japanese high seas fishing for southern bluefin tuna, 162-71, 281-4
- Bacteriological (Biological) and Toxic Weapons and on Their Destruction, Convention on the Prohibition of**

\* Prepared by Annebeth Rosenboom.

- the Development, Production and Stockpiling of** (1972), US rejection of Protocol to, *CP* 899-901
- Baehr, Peter R., Human Rights: Universality in Practice, *BR* 227
- Bantekas, Ilias. See Gavouneli, Maria
- Barkan, Elazar, The Guilt of Nations: Restitution and Negotiating Historical Injustices, *BR* 744
- Barnes, Samuel H., The Contribution of Democracy to Rebuilding Postconflict Societies, *Sym.* 86
- Barshefsky, Charlene, on WTO decision striking down US Revenue Act of 1916, 149
- Bass, Gary Jonathan, Stay the Hand of Vengeance: The Politics of War Crimes Tribunals, *BR* 970
- Bederman, David J., *BR* of Tuck, 245  
& Kurt R. Hilbert, *ID* 927-33
- Bedjaoui, ICJ President Mohammed,  
on substantive unfairness, 767  
survey of use of *forum prorogatum* by ICJ, 381-2, 385
- Belgium**  
no provisional measures ordered by ICJ in case against Congo, 687-8
- Bello, Judith H., *BR* of Jackson, 984
- Bernhardt, Rudolf (ed.), Encyclopedia of Public International Law, *BR* 726
- Bettauer, Ronald J., on global settlement of all war-related claims against Japan through treaty, 140-1
- Biggar, Nigel (ed.), Burying the Past: Making Peace and Doing Justice After Civil Conflict, *BR* 970
- Bilder, Richard (ed.), Book Reviews and Notes, 227, 459, 709, 970
- bin Laden, Osama,  
and attacks on September 11, 2001, 840  
indictment of, 637
- Bloom, Evan T.  
*BR* of Joyner, 481  
*BR* of Young, 481
- Bodansky, Daniel, on custom, 760
- Bolton, John R., on US and illicit trade in small arms, 902-3
- Book Reviews and Notes, 227, 459, 709, 970
- Books Received, 269, 485, 749, 1004
- Borek, Jamison, *BR* of Aust, 468
- Bosnia-Herzegovina**  
award of damages against Bosnian Serb leader Radovan Karadžić, *CP* 143-4  
impact of international criminal justice on post-conflict peace building, 8, 10
- Brahimi Report on United Nations Peace Operations, 103
- Broms, Judge Bengt  
US challenges impartiality and independence of, *CP* 895-7
- Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters** (1968), 419
- Bruun, Lori, on custom, 759
- Bucherer, Jeanine, *ID* 171-8
- Buergethal, Thomas, elected ICJ judge, 685
- Bulgaria**  
diplomats holding US government liable, *CP* 873
- Burma**  
in case before US court, 144-5
- Butler, Richard, The Greatest Threat: Iraq, Weapons of Mass Destruction, and the Crisis of Global Security, *BR* 235
- Byers, Michael (ed.), The Role of Law in International Politics: Essays in International Relations and International Law, *BR* 720
- Bynkershoek, see van Bynkershoek
- Cambodia**  
**Khmer Rouge Tribunal**, 939-42  
**Penal Code of Cambodia** (1956), 940
- Canada**  
**Canadian Charter of Rights and Freedoms**, 666  
Civilian Non-Combatants Fearing Persecution in Civil War Situations (Canadian Guidelines), 351, 354, 360  
environmental review of trade agreements, *NC* 366-80  
extradition to US and death penalty, *ID* 666-71
- Charlesworth, Hilary  
& Christine Chinkin, The Boundaries of International Law: A Feminist Analysis, *BR* 459  
on custom, 760
- Charney, Jonathan I.  
International Criminal Law and the Role of Domestic Courts, *Ed.* 120  
on custom, 759, 760  
on NATO's intervention in Kosovo, 785  
(The) Use of Force Against Terrorism and International Law, *Ed.* 835
- Charnovitz, Steve, Rethinking WTO Trade Sanctions, *LA* 792
- Chayes, Abram & Antonia, on trade sanctions, 802, 828
- Chile**  
nationals before IACHR in case against Peru, *ID* 171-8
- China, People's Republic of**  
aerial incident off coast of, *CP* 630-3  
compliance with human rights treaties, 147  
criticized in UN Commission on Human Rights, 219  
normalizing US-China trade relations, 145-7  
treaty with US on Chinese immigration (1880)  
challenged in court, 317, 322-3  
women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41
- Chinese Yearbook of International Law and Affairs (Vol. 16, 1997-1998), *CE* 269
- Chinkin, Christine M.  
*BR* of Dunne & Wheeler, 472  
judge at Women's International War Crimes Tribunal 2000, 338  
Women's International Tribunal on Japanese Military Sexual Slavery, *Ed.* 335  
See also Charlesworth, Hilary

- Chiu, Hungdah (ed.), *The Chinese Yearbook of International Law and Affairs* (Vol. 16, 1997-1998), *CE* 269.
- Chodosh, Hiram, on custom, 760
- Ciampi, Annalisa, *ID* 919-27
- Cipolat, Urs A., *BR* of Fidler, 989
- Civil conflict. *See* State reconstruction after civil conflict
- Cohen, Cynthia Price (ed.), *Human Rights of Indigenous Peoples*, *BR* 260
- Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor, *Sym.* 46
- Collier, John, & Vaughan Lowe, *The Settlement of Disputes in International Law: Institutions and Procedures*, *BR* 464
- Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System, *BR* 709
- Complementary Agreements and Compulsory Jurisdiction, *LA* 277
- Compulsory jurisdiction. *See* Jurisdiction
- Conforti, Benedetto, Luigi Ferrari Bravo, Francesco Francioni, Natalino Ronzitti, & Giorgio Sacerdoti (eds.), *The Italian Yearbook of International Law*, 1999 (Vol. IX), *CE* 484
- Congo, Democratic Republic of the**  
     claiming minister's diplomatic immunity in case before ICJ, 687-8  
     no provisional measures ordered by ICJ in case against Belgium, 687-8  
     use of "must" rather than "should" in provisional measures order of ICJ, 687
- Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, Convention on the** (2000), 170, 308
- Conservation of Southern Bluefin Tuna, Convention for the** (1993), 162-71, 281, 282, 292, 293, 295
- Contemporary Practice of the United States Relating to International Law, 132, 387, 626, 873
- (The) Contribution of Democracy to Rebuilding Post-conflict Societies, *Sym.* 86
- Coombs, Mary, *ID* 438-45
- Cooper, Richard N., on compliance, 828-9
- Council of Europe**  
     **Convention on the Transfer of Sentenced Persons** (1983), interpretation of, *ID* 919-27  
     draft convention on cybercrime, 889-91
- Courts and Democracy in Postconflict Transitions: A Social Scientist's Perspective on the African Case, *Sym.* 64
- Couvreux, Philippe, elected ICJ registrar, 685
- Crawford, James, on protectorates, 602
- Crimes Against Internationally Protected Persons, Including Diplomatic Agents, Convention on the Prevention and Punishment of** (1973), 940
- Croatia**  
     impact of international criminal justice on post-conflict peace building, 9, 11, 19-22
- Crook, John R., *The 2000 Judicial Activity of the International Court of Justice*, *CD* 685
- Cuba**  
     and US sanctions relating to agriculture and medicine, 413-4  
     criticized in UN Commission on Human Rights, 219  
     Elián González's suit against Immigration and Naturalization Service, *ID* 204-12  
     US judgments against terrorist states, 134-9
- Cultural heritage**  
     **UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property** (1971), 650  
     US-Italy agreement restricting US imports of artifacts, *CP* 650
- Current Developments, 213, 446, 685, 934
- Customary international law**  
     descriptive and normative approaches to, 761-70  
     environmental review of state actions, 367  
     facilitative and moral customs, 764-6, 781-4  
     *jus cogens*, 783-4, 787  
     nonstate actors and custom, 774-5  
     tort exception to sovereign immunity, 198-9  
     reflective interpretive approach, 788-91  
     reflective interpretive concept, 774-88  
     restitution as remedy in US courts for violations of, 341-8  
     state practice and *opinio juris*, 757-8, 785, 788-91  
     traditional and modern approaches to, *LA* 757-91
- See also* Hegemonic international law
- Dallmeyer, Dorinda G., *BN* of Askin & Koenig, 1001
- Dam, Kenneth, on trade sanctions, 801-2
- D'Amato, Anthony  
     on custom, 784-5  
     on distinction between action (state practice) and statements (*opinio juris*), 757
- Death Penalty**  
     in extradition case before Canadian Supreme Court, *ID* 666-71  
     inapplicability of ICCPR to case, *CP* 878-80  
     inapplicability of OAS Report to case, *CP* 880-1
- Declaration, Turku, on Minimum Humanitarian Standards** (1990), 860
- Deen-Racsmány, Zsuzsanna, *The Nationality of the Offender and the Jurisdiction of the International Criminal Court*, *NC* 606
- Democracy**  
     consociationalism and corporatism, 97-100  
     contribution of, to rebuilding postconflict societies, *Sym.* 86-101  
     importance of law in democratization, 91-2  
     in Africa  
         neighborhood dispute resolution, 65-6

- roles of courts in African postconflict transitions, 64-75  
 social scientist's perspective of, 64-75  
 influence of cultural assumptions on, 89-91  
 institutionalization of, 92-9  
 role of civil society, 99-100  
 social scientist's perspective of, 86-101  
*See also* Intergovernmental organizations  
 Dennis, Michael J., *CD* 213-21  
 de Vattel, Emer, on natural law and honor, 326  
 Developing Human Rights and Humanitarian Law  
 Accountability of the Security Council for the Imposition of Economic Sanctions, *NC* 851
- Diplomatic Law**  
 protection of diplomats and diplomatic property, *CP* 873
- Dispute settlement**  
 Middle East peace process, *CP* 160-1  
 procedures, 624  
*See also* Jurisdiction  
 Dodge, William S., *ID* 186-92, *ID* 910-9  
 Dugard, Christopher John R., special ILC rapporteur on diplomatic protection, 224-5  
 Dunne, Tim, & Nicholas Wheeler (eds.), *Human Rights in Global Politics*, *BR* 472  
 Dworkin, Ronald, interpretive theory of law applied to custom, 760, 774-88
- East Timor**  
 reconstruction of judicial system through UN mission, 46-63, 942-5  
 women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41  
 UN governance of, 81-5  
*See also* International territorial administration; United Nations Transitional Authority in East Timor  
 Eide, Asbjørn, *BR* of Cohen, 260  
 Eiriksson, Guðmundur, *The International Tribunal for the Law of the Sea*, *BR* 731  
 El-Hage, Wadih, Fourth and Fifth Amendment challenges by, 638-9  
 el-Qaddafi, Colonel Muammar, on verdict in trial of Lockerbie bombing suspects, 407
- El Salvador**  
 acquittal of generals in nuns' deaths, *CP* 394-6
- Environment**  
 conservation of fish in the Western and Central Pacific Ocean, *CP* 152-5
- Stockholm Convention on Persistent Organic Pollutants** (Stockholm Convention) (2001), *CD* 692-708  
 contamination issue, 694  
 elements of, 697-707  
 elimination issue, 696  
 environment-and-trade issue, 696  
 funding issue, 696  
 precaution issue, 696  
 US signing of, *CP* 892-3  
 US rejection of Kyoto Protocol process, *CP* 647-50  
 US sanctions against Japan for whaling, *CP* 149-52
- Environmental review of trade agreements**, *NC* 366-80  
 and developing countries, 378-9  
 US Executive Order 13,141, 366-80, *CP* 644-6
- Epps, Valerie  
*BR* of Grant, 252
- European Commission on Human Rights**, abolition of, 428
- European Convention on the Protection of Human Rights and Fundamental Freedoms** (1950), 453, 551
- European Court of Human Rights**  
 application of law in case of killing of persons attempting to flee GDR, *ID* 904-10  
 discrimination on grounds of sexual orientation, *ID* 422-30  
 privacy and criminal restrictions on private sexual activity, *ID* 422-30
- European Court of Justice**  
 clarification of jurisdiction with regard to mixed agreements, *ID* 661-6  
 interpretation of Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), *ID* 661-6
- European Union**  
 access to information, 521-4  
 admissibility of US-EU "hushkits" dispute before ICAO Council, *CP* 410-2  
 and democracy-legitimacy deficit, 515-30  
 environmental review of trade agreements, *NC* 366-80  
 European Commission, 517  
 European Court of Justice, 517-20  
 European Parliament, 517  
 remedies for democracy-legitimacy deficit, 524-30  
 US compliance with Data Privacy Directive in private sector, *CP* 156-9
- Evans, Tony, *Human Rights Fifty Years On: A Reappraisal*, *BR* 227
- Executive Order 13,141 and the Environmental Review of Trade Agreements, *NC* 366
- Extradition**  
 from Canada and death penalty in US, *ID* 666-71  
 from US and torture in Mexico, *ID* 435-8  
 Treaty, US-Italy (1983), 450
- Extraterritorial jurisdiction. *See* Jurisdiction
- Ferencz, Benjamin B., *Corr.* on *Ed.* by Leigh, 385
- Fidler, David  
 International Law and Infectious Diseases, *BR* 989  
 on custom, 759  
 (The) Fifty-second Session of the International Law Commission, *CD* 221  
 (The) Fifty-sixth Session of the UN Commission on Human Rights, *CD* 213
- Fisheries**  
**Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean** (2000), *CP* 152-5  
 tuna case, *ID* 162-71, 281-5

- See also* Law of the Sea; United Nations Convention on the Law of the Sea
- Fitzmaurice, Sir Gerald, on treaties, 549
- Forum Prorogatum* and the Advisory Proceedings of the International Court, *NC* 381
- From Danzig to East Timor and Beyond: The Role of International Territorial Administration, *NC* 583
- Franck, Thomas M.
- ASIL memorandum to Congress on ICC, *CD* 967-9
  - (The) Empowered Self, *BR* 977
  - Terrorism and the Right of Self-Defense, *Ed.* 839
- Gavouneli, Maria, & Ilias Bantekas, *ID* 198-204
- General Agreement on Tariffs and Trade (GATT)**, dispute settlement, 799-802
- Geneva Convention on the High Seas** (1958), 441
- Geneva Convention Relating to Upper Silesia** (Germany-Poland), 343
- Geneva Conventions for the Protection of Victims of War** (1949), 860, 940
- Protocol I Relating to the Protection of Victims of International Armed Conflicts** (1977), 860, 861
  - Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts** (1977), 357-60, 363, 860, 861
- German Yearbook of International Law (Vol. 42, 1999), *CE* 268
- Germany, Federal Republic of**
- ECHR on application of law in case of killing of persons attempting to flee GDR, *ID* 904-10
  - in case before Hellenic Supreme Court, *ID* 198-204
  - jus cogens* violations, *ID* 198-204
  - position in ICJ case on US execution of German nationals, *CP* 650-5
- Gerson, Allan, Peace Building: The Private Sector's Role, *Sym.* 102
- Goldstone, Richard J., For Humanity: Reflections of a War Crimes Investigator, *BR* 742
- Greece**, Federal Republic of Germany in case before Supreme Court, *ID* 198-204
- Greenwood, Christopher, on international humanitarian law, 356
- Guatemala**
- application of Fifth Amendment to overseas torture of alien denied, *CP* 641-3
- Gudridge, Patrick O., *BR* of Rawls, 714
- Guillaume, Judge Gilbert, elected ICJ president, 685
- Hague Academy of International Law, The Hague Yearbook of International Law, 2000 (Vol. 13), *CE* 1003
- Hague Conference on Private International Law**, Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters (1999), *CP* 418-21
- Hague Convention on the Civil Aspects of International Child Abduction** (1980), US court's interpretation of, *CP* 897-9
- Hague Convention No. IV Respecting the Laws and Customs of War on Land** (1907), 199-201
- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict** (1954), 940
- Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption** (1993), 416-8
- (The) Hague Yearbook of International Law, 2000 (Vol. 13), *CE* 1003
- Hare, R.M., on custom, 761
- Harold K. Jacobson (1929-2001): An Appreciation, *NC* 849
- Hart, H.L.A., on custom, 761, 784
- Hathaway, James, on refugees, 350, 354
- Hawaii**, legal status of, *ID* 927-33
- Hayner, Priscilla B., Unspeakable Truths: Confronting State Terror and Atrocity, *BR* 994
- Health**
- US funding to combat AIDS, *CP* 155-6
- See also* Environment
- Hegemonic international law**
- and customary international law, 847-8
  - and intervention, 845-6
  - and treaties, 846-7
  - as normative, 845
  - in historical context, 844-5
- See also* International Law
- Hegemonic International Law, *Ed.* 843
- Helper, Laurence R., *ID* 422-30
- Helms, Jesse, on treaty obligations, 320-1
- Helton, Arthur C., *BR* of Nicholson & Twomey, 478
- Henkel, Joachim, on refugees and civil war, 352
- Henkin, Louis, ASIL memorandum to Congress on ICC, *CD* 967-9
- Highet, Keith, in dissent in NAFTA Chapter 11 Arbitral Tribunal case, 188-90
- Hilbert, Kurt R. *See* Bederman, David J.
- Horsten, Sebastian. *See* Kokott, Juliane
- Hudec, Robert E.
- BR* of Lowenfeld, 466
  - on trade sanctions, 801
- Human rights**
- acquittal of Salvadoran generals in nuns' deaths, *CP* 394-6
  - application of law in case of killing of persons attempting to flee GDR, *ID* 904-10
  - asylum, *ID* 204-12
  - criminal restrictions on private sexual activity, *ID* 422-30
  - discrimination on grounds of sexual orientation, *ID* 422-30
  - Elián González's suit against Immigration and Naturalization Service, *ID* 204-12
  - fair trial guarantees, *ID* 171-8
  - internally displaced persons, *CD* 454-8
  - refugee law jurisprudence, *NC* 349-66
  - trial of civilians by military tribunal, *ID* 171-8
  - truth and reconciliation commissions, *CD* 952-66

- Voluntary Human Rights Principles for Extractive and Energy Companies** (2000), *CP* 636-7  
women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41  
*See also* United Nations Security Council
- Human Rights and Fundamental Freedoms, Convention for the Protection of** (1950), *ID* 422-30
- Iceland, Republic of**  
in case before Supreme Court of Sweden, *ID* 192-7  
Idris, Kamil E., elected ILC member, 221
- Immunity**  
choice-of-law and waiver, 196  
**European Convention on State Immunity** (1972), 198-204  
foreign state's immunity from suit, *ID* 192-7  
**Inter-American Draft Convention on Jurisdictional Immunity of States** (1983), 200  
of head of state, *CP* 874-6  
In Defense of World Public Order, *Ed.* 833
- India**  
ICJ ruled no jurisdiction in aerial incident of 10 August 1999, 686-7  
Individual Accountability in South Africa: Cultural Optimum or Political Facade?, *Sym.* 32
- Indonesia**  
accountability for international crimes, 28-30  
and East Timor, 952-66  
women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41
- Intellectual Property Rights, Agreement on Trade-Related Aspects of** (TRIPS Agreement) (1994)  
interpretation of, *ID* 661-6, 820
- Inter-American Court of Human Rights**, in case against Peru, *ID* 171-8, *ID* 178-85
- Intergovernmental organizations**  
and democracy-legitimacy deficit, *LA* 489-534  
democracy in, 492-3  
level of institutionalization, 495, 530-1  
major concepts in article, 493-5  
remedies for democracy-legitimacy deficit, 531-4
- Internally displaced persons**, *CD* 454-8
- International Association of Independent Tanker Owners (Intertanko)**, on validity of Washington (state) regulations of shipping for pollution-control purposes, 132-4
- International Civil Aviation, Convention on** (1944), 285, 301, 410
- International Civil Aviation Organization**, admissibility of US-EU "hushkits" dispute before Council of, *CP* 410-2
- International Court of Justice**  
absence or existence of consent in advisory opinion, 383-4  
amendments to Rules, 691  
docket in 2000, 689-91  
*forum prorogatum* and advisory proceedings, *NC* 381-5  
Optional Clause of the Statute, 181-5  
provisional measures in *Nicaragua* case, 284  
*Note Containing Recommendations to the Parties to New Cases*, 691  
US position in case on US execution of German nationals, *CP* 650-5  
use of "must" rather than "should" in provisional measures, 687
- International Covenant on Civil and Political Rights** (1966), 177, 640, 861, 862
- International Covenant on Economic, Social and Cultural Rights** (1966), 861, 862  
and US reservation, *CP* 878-80
- International criminal court**  
ASIL memorandum to Congress, *CD* 967-9  
and role of domestic courts, 120-4  
nationality of offender and jurisdiction, *NC* 606-23  
Rome Statute of, 362  
US signing of Statute, *Ed.* 124-31, *Corr.* 385-6, *CP* 397-401
- International criminal law**  
accountability, 27-31  
impact of international criminal justice on post-conflict peace building, 7-31  
legal challenges by suspects in embassy bombings, *CP* 637-41  
nationality in, 606-23  
role of domestic courts, *Ed.* 120-4  
US adoption of convention on cybercrime, *CP* 889-91  
US view of crime of aggression, *CP* 400-1
- International Criminal Law and the Role of Domestic Courts**, *Ed.* 120
- International Criminal Tribunal for the Former Yugoslavia**  
and developments in international humanitarian law, 355  
arrest of Krajišnik, 13-9  
impact on postconflict peace building, 7-31  
improving operations, 949-51  
order for disclosure of information by NATO/SFOR, *CP* 401-4  
validity of refugees' nationality, 619-20
- International Criminal Tribunal for Rwanda**  
and developments in international humanitarian law, 355  
convicting head of government of genocide, *ID* 656-61  
impact on postconflict peace building, 7-31  
improving operations, 949-51  
US reward program for Rwandan war criminals, *CP* 404
- International Decisions**, 162, 422, 656, 904
- International economic law**  
admissibility of US-EU "hushkits" dispute before ICAO Council, *CP* 410-2



- environmental review of trade agreements, *NC* 366-80, *CP* 644-6
- expropriation, 917-8
- Free Trade Area of the Americas**, *CP* 646-7
- normalizing US-China trade relations, 145-7
- US compliance with European Data Privacy Directive in private sector, *CP* 156-9
- US sanctions relating to agriculture and medicine, *CP* 413-4
- Voluntary Human Rights Principles for Extractive and Energy Companies (2000), *CP* 636-7
- WTO decision striking down US Revenue Act of 1916, *CP* 147-9
- International Integration and Democracy: No Love at First Sight, *LA* 489
- International humanitarian law**
- Convention on the Rights of the Child** (1989), 215, 356
- enforcement of, *CD* 934-52
- ICTR convicts head of government of genocide, *ID* 656-61
- internally displaced persons, *CD* 454-8
- refugee law jurisprudence, *NC* 349-66
- See also* United Nations Security Council
- International Labour Organization**, dispute settlement, 798-9
- International law**
- and attacks on September 11, 2001, *Ed.* 833-43
- doctrine of indispensable third parties, *ID* 929-33
- London Declaration of International Law Principles on Internally Displaced Persons, *CD* 454-8
- nationality as a concept of, 607
- restitution as remedy in US courts for violations of, *Ed.* 341-8
- US treaty behavior, 313-34
- See also* Hegemonic international law
- International Law Association (ILA)**, London Declaration of International Law Principles on Internally Displaced Persons, *CD* 454-8
- International Law Commission**
- Draft Articles on Jurisdictional Immunities of States and Their Property (1991), 199, 200, 202
- draft guidelines on reservations to treaties, 223-4
- 52d session of, *CD* 221-6
- on diplomatic protection, 224-5
- on liability and environment, 222-3
- on state responsibility, 226
- on unilateral acts of states, 225-6
- US comments on draft articles on state responsibility, *CP* 626-8
- International Legal Materials, Contents, 274, 487, 754, 1009
- International organizations, equitable representation of US nationals in, *CP* 876-7
- International remedial law**, restitution as remedy in US courts for violations of international law, *Ed.* 341-8
- International territorial administration**, *NC* 583-606
- related policy institutions, 602-5
- responding to governance problem, 592-602
- responding to sovereignty problem, 587-92
- International Tribunal for the Law of the Sea**, provisional measures order, 162-71, 282-4
- International Whaling Commission**, moratorium, 149-51
- Iran**
- and US sanctions relating to agriculture and medicine, 413
- US judgments against terrorist states, 134-9
- See also* Iran-US Claims Tribunal
- Iran-US Claims Tribunal**
- Iran's obligation to replenish Iran-US Claims Tribunal Security Account, *CP* 414-6
- US challenges Judge Bengt Broms's impartiality and independence, *CP* 895-7
- Israel**
- criticized in UN Commission on Human Rights, 220-1
- and Middle East peace process since Sharm El-Sheikh Accord, 160-1
- Italian Yearbook of International Law (Vol. IX, 1999), *CE* 484
- Italy**
- interpretation of European Convention on the Transfer of Sentenced Persons, *ID* 919-27
- US-Italy agreement regarding confinement of a transferred prisoner, *ID* 919-27
- US-Italy agreement restricting US imports of artifacts, *CP* 650
- US-Italy Extradition Treaty, 450
- Jackson, John H.
- (The) Jurisprudence of GATT & the WTO: Insights on Treaty Law and Economic Relations, *BR* 984
- on trade sanctions, 801
- Jacobson, Harold K.
- memorial on, *NC* 849-51
- See also* Wedgwood, Ruth
- Japan**
- gaiatsu*, 814
- global settlement of all war-related US claims against Japan through treaty, *CP* 139-43
- in arbitral case against Australia and New Zealand about Japanese high seas fishing for southern bluefin tuna, 162-71, 281-4
- US sanctions against Japan for whaling, *CP* 149-52
- women's international tribunal on military sexual slavery, *Ed.* 335-41
- Jennings, Sir Robert
- dismissal of US challenges of Judge Bengt Broms's impartiality and independence, *CP* 895-7
- on custom, 759
- on violations of fundamental human rights, 457
- Jiuyong, Judge Shi, elected ICJ vice president, 685
- Johnston, Douglas M., *BR* of Shelton, 709

- Jordan**, Free Trade Agreement with US, *CP* 643-4
- Jost, Delbrück, & Rainer Hofmann (eds.), German Yearbook of International Law 1999 (Vol. 42), *CE* 268
- Joyner, Christopher C., Governing the Frozen Commons: The Antarctic Regime and Environmental Protection, *BR* 481
- Jurisdiction**
- and Statute of Rome, 125
  - compulsory jurisdiction and complementary agreements, *LA* 277-312
  - Harvard Draft Convention on Jurisdiction with Respect to Crime** (1935), 609, 610, 612, 613, 615, 618, 620, 622
  - immunities, 630-3
  - military extraterritorial jurisdiction, *CD* 446-54
  - nationality of offender and jurisdiction of ICC, *NC* 606-23
    - changed, 612-5
    - multiple, 609-12
    - refugee, 619-22
    - stateless person, 616-8
  - of IACHR, 178-85
  - of WTO panels, 554-9
  - over criminal acts occurring on the high seas, *ID* 438-45
  - provisional measures, 310
  - ratio decidendi* of *Southern Bluefin Tuna* award, 291-302
- Kambanda, Jean, former prime minister of Rwanda, convicted by ICTR of genocide, *ID* 656-61
- Karadžić, Radovan, award of damages against, *CP* 143-4
- Kaye, David, *BR* of Barkan, 744
- Keith, Sir Kenneth, dissenting opinion in *Southern Bluefin Tuna* case, 168, 292, 297
- Kelly, Patrick, on custom, 759
- Kennedy, David, on international law and politics, 767
- Khmer Rouge Tribunal**, 939-42
- Kirgis, Frederic L.
  - BR* of Magliveras, 734
  - on custom, 760, 766, 772-4
  - Restitution as a Remedy in U.S. Courts for Violations of International Law, *Ed.* 341
  - Security Council Governance of Postconflict Societies: A Plea for Good Faith and Informed Decision Making, *Ed.* 579
- Kirk McDonald, Gabrielle, judge at Women's International War Crimes Tribunal 2000, 338
- Koenig, Doreen M. See Askin, Kelly D.
- Kokott, Julianne
  - & Kai-Guido Schick, *ID* 661-6
  - & Sebastian Horsten, *ID* 430-4
- Koskenniemi, Martti, on creation of customs, 760, 766, 768
- Kosovo**
- impact of international criminal justice on post-conflict peace building, 9, 11
  - reconstruction of judicial system through UN mission, 46-63, 945-8
  - UN governance of, 78-81, 83-5
- See also International territorial administration
- Kovar, Jeffrey D., on convention on jurisdiction and enforcement of judgments, *CP* 418-21
- Kozinski, Judge, on extradition, 437
- Ku, Charlotte, Harold K. Jacobson (1929-2001): An Appreciation, *NC* 849
- Kuyper, Pieter, on violations of WTO agreements, 821
- Kwiatkowska, Barbara, *ID* 162-71
- Lallas, Peter L., The Stockholm Convention on Persistent Organic Pollutants, *CD* 692
- Law of the sea**
- continental shelf boundary between Mexico and US in Gulf of Mexico, *CP* 393-4
  - continental shelf boundary between Soviet Union and US, *CP* 394
  - criminal acts occurring on high seas, *ID* 438-45
  - fishing interests, 307-8
  - flag state's jurisdiction, 289, *ID* 438-45
  - general interests in, 303-7
  - International Convention on Salvage** (1989), 683
  - ownership of sunken Spanish warships, *ID* 678-84
- See also International Tribunal for the Law of the Sea; United Nations Convention on the Law of the Sea
- Lawrence, Juda, International Law and Ocean Use Management, *BR* 265
- Lee, Luke T., The London Declaration of International Law Principles on Internally Displaced Persons, *CD* 454
- Leigh, Monroe
  - ASIL memorandum to Congress on ICC, *CD* 967-9
  - opposing the American Servicemembers' Protection Act of 2000, *CP* 398
  - The United States and the Statute of Rome, *Ed.* 124, *Corr.* 385-6, *Corr.* 624-5
- Law of treaties**
- and WTO rules, 535-52
  - basis of treaty obligations where Constitution does not establish it, 323-9
  - basis of treaty obligations where Constitution establishes it, 313-23
  - complementary agreements and compulsory jurisdiction, *LA* 277-312
  - not self-executing, 321-2
  - pacta sunt servanda* doctrine, 323-4, 326
  - rebus sic stantibus*, 331
  - restitution as remedy in US courts for violations of, 341-8
  - US and treaties: observance and breach, *CP* 132-4, *LA* 313-34
  - US interpretation of statements by parties as "subsequent agreement," *CP* 887-9
- League of Nations Covenant** (1919), 798



- Liberia**, flag state's jurisdiction, *ID* 438-45
- Libya**  
 and US sanctions relating to agriculture and medicine, 413  
 verdict in trial of Lockerbie bombing suspects, *CP* 405-7
- Lillich, Richard B., on custom, 759
- London Declaration of International Law Principles on Internally Displaced Persons** (2000), *CD* 454-8
- (The) London Declaration of International Law Principles on Internally Displaced Persons, *CD* 454
- Lowe, Vaughan. *See* Collier, John
- Lowenfeld, Andreas F.  
*BR* of Sanders, 728  
 The Role of Government in International Trade: Essays over Three Decades, *BR* 466
- Lugano Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters** (1988), 419
- McGregor, Lorna, Individual Accountability in South Africa: Cultural Optimum or Political Facade?, *Sym.* 32
- McRae, Donald M., *BR* of Weiler, 981
- Magliveras, Konstantinos D., Exclusion from Participation in International Organisations: The Law and Practice Behind Member States' Expulsion and Suspension of Membership, *BR* 734
- Mahmoudi, Said, *ID* 192-7
- Malaysia**, women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41
- Malone, David, *BR* of Butler, 235
- Mandates. *See* International territorial administration
- Mansfield, William R., *Corr.* on *LA* by Oxman, 624
- Matheson, Michael, J.  
 United Nations Governance of Postconflict Societies, *Sym.* 76, *Ed.* 579-82  
 in *LaGrand* case, 653-4
- Mathew, Penelope, *ID* 671-8
- Mathias, D. Stephen, in *LaGrand* case, 654-5
- Memorandum to Congress on the ICC from Current and Past Presidents of the ASIL, *CD* 967
- Meron, Theodor  
 on custom, 759  
 views of US State Department on crime of aggression with respect to ICC, *CP* 400-1
- Mexico**  
 continental shelf boundary with US in Gulf of Mexico, *CP* 393-4  
 in NAFTA Chapter 11 Arbitral Tribunal case, *ID* 186-92, *ID* 910-9
- (The) Military Extraterritorial Jurisdiction Act of 2000: Closing the Gap, *CD* 446
- Momtaz, Djamchid, elected ILC member, 221
- Moore, Mike, on trade sanctions, 807
- Moss Kanter, Rosabeth, on cooperation between private and social sector, 109-10
- Mundis, Daryl A., New Mechanisms for the Enforcement of International Humanitarian Law, *CD* 934
- Murphy, John F., *BR* of Pyle, 997
- Murphy, Sean D., Contemporary Practice of the United States Relating to International Law, 132, 387, 626, 873
- Mutua, Makau, *BR* of Watson, 255
- Mutungu, Willy, judge at Women's International War Crimes Tribunal 2000, 338
- Nationality. *See* International Criminal Court
- (The) Nationality of the Offender and the Jurisdiction of the International Criminal Court, *NC* 606
- Netherlands**, women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41
- New Mechanisms for the Enforcement of International Humanitarian Law, *CD* 934
- New Zealand**, in arbitral case with Australia about Japanese high seas fishing for southern bluefin tuna, 162-71, 281-4
- Nicholson, Frances, & Patrick Twomey (eds.), Refugee Rights and Realities: Evolving International Concepts and Regimes, *BR* 478
- Nixon, President Richard, committing treaty violation, 330
- Nonstate actors. *See* Customary international law
- Nordquist, Myron H., *BR* of Juda, 265
- North American Free Trade Agreement** (1992)  
 and democracy-legitimacy deficit, 508-15  
 Chapter 11 Arbitral Tribunal case, *ID* 186-92, *ID* 910-9  
 environmental review of trade agreements, 368  
 need for appellate body, 191-2, 918-9  
 US interpretation of core investment standards, *CP* 881-5
- North Atlantic Treaty Organization**, on attacks of September 11, 2001, 833
- North Korea**, and US sanctions relating to agriculture and medicine, 413
- Organization for Economic Co-operation and Development**, environmental review of trade agreements, 368-9, 377-8
- Oxman, Bernard H.  
*BR* of Eiriksson, 731  
 Complementary Agreements and Compulsory Jurisdiction, *LA* 277, *Corr.* 624
- Oxman, Bernard H. (ed.), International Decisions, 162, 422, 656, 904
- Pakistan**  
 ICJ ruled no jurisdiction in aerial incident of 10 August 1999, 686-7  
 women claiming protection in UK under Refugee Convention, *ID* 671-8
- Palestine Liberation Organization**  
 and Middle East peace process since Sharm El-Sheikh Accord, 160-1  
 and observer branch at UN headquarters, 323-4
- Paraguay**, national sentenced to death in US and right to consular advice, 320

Pauwelyn, Joost

on trade sanctions, 821, 823

The Role of Public International Law in the WTO:  
How Far Can We Go?, *LA* 535

#### Peace building

cooperation between United Nations, World Bank, and private sector, *Sym.* 102-19

Peace Transitions Council, 113-8

Peace Building: The Private Sector's Role, *Sym.* 102

**Permanent Court of International Justice**, *forum prorogatum* and advisory proceedings, *NC* 381-5

#### Peru

in case before IACHR, *ID* 171-8, *ID* 178-85

withdrawal from IACHR jurisdiction, *ID* 178-85

**Philippines**, women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41

Pollutants. *See* Environment

**Portugal**, before the European Court of Human Rights, *ID* 422-30

#### Postal services

national postal monopolies, *ID* 430-4

reimposing restraints, *ID* 430-4

Postconflict societies. *See* State reconstruction after civil conflict

#### Private International Law

US court's interpretation of Convention on International Child Abduction, *CP* 897-9

US implementation of Intercountry Adoption Convention, *CP* 416-8

US negotiation of Convention on Jurisdiction and Enforcement of Judgments, *CP* 418-21

Prunier, Gérard, on criminal responsibility, 11

Public International Law. *See* International Law; World Trade Organization

Pyle, Christopher H., Extradition, Politics, and Human Rights, *BR* 997

Ratner, Steven R., *BR* of Hayner, 994

Rawls, John

on custom, 779-80

The Law of Peoples, *BR* 714

Reagan, President Ronald, committing treaty violation, 330

Recueil des Cours: Collected Essays of the Hague Academy of International Law (Vol. 281, 1999), *CE* 748; (Vols. 284, 285; 2000), *CE* 1004

#### Refugee law in civil law and armed conflict

exceptionality approach, 350-2

jurisprudence, *NC* 349-66

#### Refugees

and internally displaced persons, *CD* 454-8

asylum application, 204-12

*non-refoulement*, 351, 619, 621

**United Nations Convention Relating to the Status of** (1951), 349-66, 619, 621

particular social group under, *ID* 671-8

protection claimed under, *ID* 671-8

**United Nations Protocol Relating to the Status of** (1967), 350

Reinisch, August, Developing Human Rights and Humanitarian Law Accountability of the Security Council for the Imposition of Economic Sanctions, *NC* 851

Reisman, W. Michael

In Defense of World Public Order, *Ed.* 833

on criminal responsibility, 11-2

on custom, 759

#### Republika Srpska

award of damages against Bosnian Serb leader Radovan Karadžić, *CP* 143-4

impact of international criminal justice on post-conflict peace building, 13-9

**Restatement (Third) of Foreign Relations Law of the United States**, 441, 442, 769

Restitution as a Remedy in U.S. Courts for Violations of International Law, *Ed.* 341

Rethinking WTO Trade Sanctions, *LA* 792

Right to self-defense. *See* Terrorism and right to self-defense

Risse, Thomas, Stephen C. Ropp, & Kathryn Sikkink (eds.), The Power of Human Rights: International Norms and Domestic Change, *BR* 227

Roberts, Anthea Elizabeth, Traditional and Modern Approaches to Customary International Law: A Reconciliation, *LA* 757

Robertson, Lord, on attacks of September 11, 2001, 833, 842

Rodríguez Cedeño, Victor, ILC special rapporteur on unilateral acts of states, 225

Rogers, William D., ASIL memorandum to Congress on ICC, *CD* 967-9

(The) Role of Public International Law in the WTO: How Far Can We Go?, *LA* 535

Rosenne, Shabtai, on *forum prorogatum* in advisory opinions, 382

Rosenstock, Robert, *CD* 221-6

Rovine, Arthur W., Memorandum to Congress on the ICC from Current and Past Presidents of the ASIL, *CD* 967

Rubin, Alfred P., on Vagts's analysis of the relationship of treaties to US statutes, *Corr.* 872

Rudolf, Beate, *ID* 904-10

#### Russian Federation

criticized in UN Commission on Human Rights, 218-9

expulsion from US of diplomats related to Hanssen case, *CP* 628-9

#### Rwanda

ICTR convicts head of government of genocide, *ID* 656-61

impact of international criminal justice on post-conflict peace building, 7-31, 67-70

Sabel, Robbie, *BR* of Watson, 248

**Safe Harbor Principles** (2000), *CP* 156-9

Salzman, James, Executive Order 13,141 and the Environmental Review of Trade Agreements, *NC* 366

Sanders, Pieter, Quo Vadis Arbitration? Sixty Years of Arbitration Practice, *BR* 728

- Schabas, William A.  
*BR* of Goldstone, 742  
 Genocide in International Law: The Crimes of Crimes, *BR* 739  
*ID* 666-71
- Schachter, Oscar, ASIL memorandum to Congress on ICC, *CD* 967-9
- Scheffer, David J.  
*BR* of Bass, 970  
*BR* of Biggar, 970  
*BR* of Teitel, 970  
*Corr.* on *Ed.* by Leigh, 624  
 opposing the American Servicemembers' Protection Act of 2000, *CP* 398
- Schick, Kai-Guido. *See* Kokott, Juliane
- Schwartz, Herman, The Struggle for Constitutional Justice in Post-Communist Europe, *BN* 267
- Schwebel, Stephen M.  
 ASIL memorandum to Congress on ICC, *CD* 967-9  
*BR* of Collier & Lowe, 464  
 dissenting opinion in *Nicaragua* case, 284, 296, 627-8  
 on peaceful settlement of disputes, 169  
 presiding over arbitral tribunal, 163, 278
- Scobbie, Iain, *BR* of Franck, 977
- Scotland, verdict in trial of Lockerbie bombing suspects, *CP* 405-7
- Scott, Craig (ed.), Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation, *BN* 1002
- Security Council Governance of Postconflict Societies: A Plea for Good Faith and Informed Decision Making, *Ed.* 579
- Semmelman, Jacques, *ID* 435-8
- Sharm El-Sheikh Accord (1999), 160
- Shelton, Dinah, Remedies in International Human Rights Law, *BR* 257
- Shelton, Dinah (ed.), Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System, *BR* 709
- Sierra Leone**  
 accountability for international crimes, 28  
 Special Court, 935-8
- Sik, Ko Swan, M. C. W. Pinto, & S. P. Subedi (eds.), The Asian Yearbook of International Law 1999 (Vol. 7), *CE* 748
- Simma, Bruno  
 on custom, 760  
 on NATO's intervention in Kosovo, 785-6
- Simmons, Beth A., *BR* of Byers, 720
- Smith, Brig. Gen. James, in testimony before Congress about limited options to deal effectively with crimes committed by civilians overseas, 448
- Sohn, Louis B., ASIL memorandum to Congress on ICC, *CD* 967-9
- Sokol, Karen C., *ID* 178-85
- Soubeyrol, Jacques, on *forum prorogatum* in advisory opinions, 382, 385
- South Africa**  
 African National Congress leaders and amnesty, 39-44  
 general amnesty, 34-5  
 individual accountability, *Sym.* 32-45  
 individual amnesty, 36-44  
 Promotion of National Unity and Reconciliation Act, 32  
 Truth and Reconciliation Commission, 32
- South Korea**, women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41
- Spain**, ownership of sunken Spanish warships, *ID* 678-84
- Stahn, Carsten, Accommodating Individual Criminal Responsibility and National Reconciliation: The UN Truth Commission for East Timor, *CD* 952
- State reconstruction after civil conflict**, *Sym.* 1-119  
 private sector's role, 102-19  
 social scientist's perspective, 64-75, 86-101
- State responsibility. *See* International Law Commission
- Status-of-forces agreements (SOFAs)**, 447, 451, 452
- Stein, Eric  
*BR* of Schwartz, 267  
 International Integration and Democracy: No Love at First Sight, *LA* 489
- Stephens, Beth  
*BR* of Shelton, 257
- Stewart, David P.  
*BR* of Baehr, 227  
*BR* of Evans, 227  
*BR* of Risse, Ropp, & Sikkink, 227  
*BR* of Weston & Marks, 227
- (The) Stockholm Convention on Persistent Organic Pollutants, *CD* 692
- See also* Environment
- Stockholm Declaration on the Human Environment** (1972), 782
- Storey, Hugo, & Rebecca Wallace, War and Peace in Refugee Law Jurisprudence, *NC* 349
- Strohmeier, Hansjörg, Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor, *Sym.* 46
- Sudan**  
 and US sanctions relating to agriculture and medicine, 413  
 elected member to UN Commission on Human Rights, 877-8
- Sugar, International Agreement Regarding the Regulation of Production and Marketing of** (1937), 799-800
- Sugar Convention, International** (1902), 798
- Swaak-Goldman, Olivia, *ID* 656-61
- Sweden**, local authority against Republic of Iceland in Supreme Court, *ID* 192-7
- Symposium: State Reconstruction After Civil Conflict, *Sym.* 1
- Szasz, Paul C. (ed.), Administrative and Expert Monitoring of International Treaties, *BR* 471

**Taiwan**

sovereign immunity accorded to American Institute, *CP* 629-30

women's international tribunal on Japanese military sexual slavery, *Ed.* 335-41

Taliban, and acts of September 11, 2001, 839-43

Tasioulas, John, on custom, 760, 772-4

Tate, Jack B., on state immunity, 197

Teitel, Ruti G., Transitional Justice, *BR* 970

**Terrorism**

attacks of September 11, 2001, *Ed.* 833-43

legal challenges by suspects in embassy bombings, *CP* 637-41

US judgments against terrorist states, *CP* 134-9

Terrorism and the Right of Self-Defense, *Ed.* 839

Thessin, James H., in *LaGrand* case, 651

Todorović, Stevan, request for disclosure of information by NATO/SFOR with respect to his detention, *CP* 401-4

**Torture**, acquittal of Salvadoran generals in nuns' deaths, *CP* 394-6

Trade agreements. *See* Environmental review of trade agreements

Traditional and Modern Approaches to Customary International Law: A Reconciliation, *LA* 757

**Trafficking in persons**, *CP* 407-10

definition, 408

**Treaty Establishing the European Community** (1957), *ID* 431-4

**Treaty of Amsterdam** (1997), on prohibition of discrimination, 429

**Treaty of Friendship and General Relations** (US-Spain) (1902), 679, 680

**Treaty of Peace** (US-Japan) (1951), 140-3

**Treaty of Peace Between Great Britain, France, and Spain, Definitive** (Treaty of Paris) (1763), 679, 680

Trooboff, Peter D., ASIL memorandum to Congress on ICC, *CD* 967-9

**Truth and reconciliation commissions**, 952-66

Trusteeship. *See* International territorial administration

Tuck, Richard, The Rights of War and Peace, *BR* 245

**Turkey**, defeat of US House of Representatives resolution on "Armenian genocide," *CP* 396-7

Tutu, Archbishop Desmond, on general amnesty, 35

Twomey, Patrick. *See* Nicholson, Frances

(The) 2000 Judicial Activity of the International Court of Justice, *CD* 685

**Uganda**, use of "must" rather than "should" in provisional measures order of ICJ, 687

**UNESCO Draft Convention on the Protection of the Underwater Cultural Heritage** (1999), 682, 683

**United Kingdom**

before European Court of Human Rights, *ID* 422-30

voluntary human rights principles for extractive and energy companies (2000), 636-7

**United Nations**

creation of immediately applicable legal framework, 62-3

equitable representation of US nationals in employment in, *CP* 876-7

formation of own capacity of functioning judiciary, 61-2

governance of postconflict societies, *Sym.* 76-85, *Ed.* 579-82

immediate deployment of military lawyers as part of peacekeeping force, 60-1

immediate provision of legal training, 63

immediate reconstruction of correctional system as part of mission, 62

role in economic peace building, 102-19

**United Nations, Charter of the**

and attacks of September 11, 2001, *Ed.* 833-43

and legality of UN governance, 83-5

on relationship between UN political and judicial organs, 287

**United Nations Commission on Human Rights**

approval of protocols to Convention on the Rights of the Child, 215

complete abolition of death penalty, 214

56th session of, *CD* 213-21

human rights as applied to nonstate actors, 214-5

loss of US seat on, *CP* 877-8

mechanisms to monitor states' compliance with international human rights law, 216

on territories occupied by Israel, 220-1

right to democracy, 213-4

taking actions addressing human rights situations, 218-20

**United Nations Committee on Economic, Social and Cultural Rights**, 868**United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**, 901-3**United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984), *ID* 435-8**United Nations Convention Against Transnational Organized Crime** (2000), 407

Protocol Against the Smuggling of Migrants by Land, Sea and Air, 407-8

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 407-10

**United Nations Convention on the Law of the Sea** (1982)

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995), 152-5, 170, 289, 304-8

complementary agreements and compulsory jurisdiction, 278-312

in *Southern Bluefin Tuna* case, 162-71

on relationship between UN political and judicial organs, 287

on rights of salvage, 682

**United Nations Convention on Privileges and Immunities** (1946), 875

**United Nations Framework Convention on Climate Change** (1992), 647  
**Kyoto Protocol**, 647-50  
 US rejection of Kyoto Protocol process, *CP* 647-50

**United Nations Governance of Postconflict Societies**, *Sym.* 76

**United Nations High Commissioner for Refugees**  
 and definition of particular social group, 673, 676, 677  
 and internally displaced persons, 455, 458  
 Handbook, 350, 357, 365

**United Nations Interim Administration Mission in Kosovo** (UNMIK), 46-63, 945-8

**United Nations Millennium Declaration**, 103

**United Nations Secretary-General**  
 Millennium Report, 105

**United Nations Security Council**  
 and trade sanctions, 800  
 governance of postconflict societies, *Sym.* 76-85, *Ed.* 579-82  
 imposition of economic sanctions, *NC* 851-72  
 human rights and humanitarian law limits, 853-63  
 remedies for victims of, 863-9  
 on attacks of September 11, 2001, 833-9

**United Nations Transitional Administration in East Timor** (UNTAET), 46-63, 942-5  
 Commission for Reception, Truth and Reconciliation (CRTR), *CD* 953-66

**United States**  
 Abandoned Shipwreck Act, 679, 683  
 Administrative Procedure Act, *ID* 435-8  
 admissibility of US-EU "Hushkits" dispute before ICAO Council, *CP* 410-2  
 agreement with Italy restricting US imports of artifacts, *CP* 650  
 Alien Tort Claims Act, 144-5, 863  
 American Servicemembers' Protection Act (2000), 130, *CP* 397  
 Antiterrorism and Effective Death Penalty Act, 134, 320  
 appeal of ICTY order for disclosure of information by NATO/SFOR, *CP* 401-4  
 application of Fifth Amendment to overseas torture of alien denied, *CP* 641-3  
 Articles of War (1775), 447  
 as indispensable third party in arbitration, *ID* 927-33  
 attacks of September 11, 2001, *Ed.* 833-43  
 challenge of Judge Bengt Broms's impartiality and independence, *CP* 895-7  
 Code to prosecute military members under the Code of Military Justice, 450  
 comments on ILC draft articles on state responsibility, *CP* 626-8  
 constitutional law and status of treaties, 313-23  
 constitutionality of state's jurisdiction over criminal acts occurring on the high seas, *ID* 438-45  
 Cuban Adjustment Act, 205

death penalty in US prevents extradition from Canada, *ID* 666-71

Diplomatic Relations Act, 875

employment, equitable representation of nationals in UN organizations regarding, *CP* 876-7

Endangered Species Act, 150-2

environmental review of trade agreements, *NC* 366-80

Export-Import Bank financing of African states in fight against AIDS, 156

Extradition Treaty, US-Italy (1983), 450

Federal Tort Claims Act, *CP* 873

Florida statute: State Special Maritime Criminal Jurisdiction, *ID* 438-45

Foreign Affairs Reform and Restructuring Act, *ID* 435-8

Foreign Assistance Act, 155

Foreign Sovereign Immunities Act, 134, 202, 204, 875

Global AIDS and Tuberculosis Relief Act, 155-6

Gun-Free School Zone Act, 445

hegemonic position in international law, *Ed.* 843-8

inapplicability of ICCPR to death penalty case, *CP* 878-80

inapplicability of OAS report to death penalty case, *CP* 880-1

International Child Abduction Remedies Act, *CP* 897-9

International Emergency Economic Powers Act, 409

interpretation of NAFTA investment standards, 881-7

interpretation of statements by parties as "subsequent agreement," *CP* 887-9

Iran's obligation to replenish Iran-US Claims Tribunal Security Account, *CP* 414-6

loss of seat on UN Commission on Human Rights, *CP* 877-8

Marine Mammal Protection Act, 150, 152

Military Extraterritorial Jurisdiction Act, *CD* 446-54

National Environmental Policy Act, 367-8, 371, 373, 374, 377

Oil Pollution Act, 132

Ports and Waterways Act, 132

reservation to ICCPR with respect to capital punishment, *CP* 878-80

restitution as remedy in courts for violations of international law, *Ed.* 341-8

signing of ICC Statute, *Ed.* 124-31, *Corr.* 385-6, *CP* 397-400

South African Democratic Transition Act, 319

Tax Reform Act, 319

Technical and Miscellaneous Revenue Act, 319

Torture Victim Protection Act, 144, 394, *CP* 874-6

Trade Sanctions Reform and Export Enhancement Act of 2000, 413

Trafficking Victims Protection Act of 2000, 408

treaty observance and breach, *LA* 313-34

- Uniform Code of Military Justice (1950), 447
- Uniform Foreign Money Judgments Act, 419
- US rejection of Protocol to Biological Weapons Convention, *CP* 899-901
- verdict in trial of Lockerbie bombing suspects, *CP* 405-7
- Violence Against Women Act, 445
- (The) United States and Its Treaties: Observance and Breach, *LA* 313, *Corr.*, 872
- (The) United States and the Statute of Rome, *Ed.* 124
- United States Constitution**
  - constitutional law in US, 313-23
  - later-in-time rule, 313-21
  - Treaty Clause, *ID* 438-45
- United States Department of Commerce**
  - compliance with European Data Privacy Directive in private sector, *CP* 156-9
  - WTO decision striking down US Revenue Act of 1916, *CP* 147-9
- United States Department of Defense**
  - aerial incident off coast of China, *CP* 630-3
  - concealing of information about fate of Guatemalan national, 641
  - military extraterritorial jurisdiction, *CD* 446-54
- United States Department of Justice**
  - adoption of convention on cybercrime, *CP* 889-91
  - Agreement with Italy regarding confinement of a transferred prisoner, *ID* 919-27
  - legal challenges by suspects in embassy bombings, *CP* 637-41
- United States Department of State**
  - aerial incident off coast of China, *CP* 630-3
  - Agency for International Development, 409-10
  - conservation of fish in the Western and Central Pacific Ocean, *CP* 152-5
  - designation of state as sponsor of terrorism, *CP* 134-9
  - embassy bombings, 637-41
  - expulsion of Russian diplomats related to Hanssen case, *CP* 628-9
  - global settlement of all war-related claims against Japan through treaty, *CP* 139-43
  - interagency task force to monitor and combat trafficking in persons, 410
  - negotiation of Convention on Jurisdiction and Enforcement of Judgments, *CP* 418-21
  - position in ICJ case on US execution of German nationals, *CP* 650-5
  - responsibility under Foreign Affairs Reform and Restructuring Act, *ID* 435-8
  - sanctions against Japan for whaling, *CP* 149-55
  - UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *CP* 901-3
  - view of crime of aggression with respect to ICC, *CP* 400-1
  - voluntary human rights principles for extractive and energy companies, *CP* 636-7
  - Voluntary Principles on Security and Human Rights (2000), 636-7
- United States district court**
  - award of damages against Bosnian Serb leader Radovan Karadžić, *CP* 143-4
  - resisting awarding compound interest when applying standards of international law, *CP* 633-5
- United States House Committee on International Relations**, ASIL memorandum to Congress on ICC, *CD* 967-9
- United States House of Representatives**
  - defeat of resolution on "Armenian genocide," *CP* 396-7
  - free trade agreement with Jordan approved, *CP* 643-4
  - in favor of legislation to toughen laws against trafficking in persons, *CP* 407-10
  - reward program for Rwandan war criminals, *CP* 404
- United States Immigration and Naturalization Service**
  - Elián González's suit against, *ID* 204-12
- United States President**
  - attendance of summit discussing Free Trade Area of the Americas, *CP* 646-7
  - authorizing payments of US assessments and arrearages to UN, *CP* 389-92
  - authorizing signing of treaty to establish permanent ICC, *CP* 399-400
  - committing US government to conduct environmental reviews of trade agreements, 366-77, *CP* 644-6
  - endorsement of trust fund on AIDS within IBRD, *CP* 155-6
  - importance of participation in Stockholm Convention on Persistent Organic Pollutants, *CP* 892-3
  - issuing executive order lifting sanctions against FRY, *CP* 387-9
  - Middle East peace process since Sharm El-Sheikh Accord, *CP* 160-1
  - normalizing US-China trade relations, 145-7
  - privatization of INTELSTAT, *CP* 894-5
  - rejection of Kyoto Protocol process, *CP* 647-50
  - sanctions against Japan for whaling, *CP* 149-52
  - signing act to enable suits for monetary damages for acts of terrorism by foreign states, *CP* 134-9
  - signing but expressing concern about Trade Sanctions Reform and Export Enhancement Act of 2000, *CP* 413-4
  - sovereign immunity accorded to American Institute, *CP* 629-30
  - urging House to withdraw resolution on "Armenian genocide," *CP* 396-7
  - US policy for the Protection of Sunken Warships, 681
- United States Senate**
  - giving advice and consent to ratification of Inter-country Adoption Convention, *CP* 416-8
  - giving advice and consent to ratification of treaty between US and Mexico, *CP* 393-4



**United States Supreme Court**

ownership of sunken Spanish warships, *ID* 678-84  
 treaty obligations as evidence of federal preemption, *CP* 132-4

**Universal Declaration of Human Rights** (1948), 861, 862**Universal Postal Convention** (1989), *ID* 430-4

remailing restraints, *ID* 430-4

(The) Use of Force Against Terrorism and International Law, *Ed.* 835

Vagts, Detlev, *F.*

*BN* of Scott, 1002

*BR* of Bernhardt, 726

Hegemonic International Law, *Ed.* 843

The United States and Its Treaties: Observance and Breach, *LA* 313, *Corr.*, 872

van Bynkershoek, Cornelius, on natural law and honor, 326

van Panhuys, Haro Frederik, on equality principle and extradition, 611-2

**Vienna Convention on Consular Relations** (1963), 320, 329, 332, 342, 348, 640, 650-5, 689, 873

**Vienna Convention on Diplomatic Relations** (1961), 873

**Vienna Convention on the Law of Treaties** (1969), 133, 164, 182, 196, 325-6, 330, 415, 416, 537, 573, 575, 783, 846

US interpretation of statements by parties as "subsequent agreement," *CP* 887-9

US jurisprudential analysis of, 326-9

Wallace, Rebecca. *See* Storey, Hugo

War and Peace in Refugee Law Jurisprudence, *NC* 349

**Washington Treaty** (1949), action covered by Article 5, 833

Watson, Geoffrey R., The Oslo Accords: International Law and the Israeli-Palestinian Peace Agreements, *BR* 248

Watson, Jill McC., *BN* of Watts, 747

Watts, Arthur,

The International Law Commission: 1949-1998, *BN* 747

on violations of fundamental human rights, 457

Wedgwood, Ruth

and Harold K. Jacobson (eds.), Symposium: State Reconstruction After Civil Conflict, *Sym.* 1

Foreword, *Sym.* 1

Weil, Prosper, on requirements of treaties, 766

Weiler, J.H.H. (ed.), The EU, the WTO and the NAFTA: Towards a Common Law of International Trade?, *BR* 981

Weiss, Edith Brown

ASIL memorandum to Congress on ICC, *CD* 967-9  
 on compliance with treaties, 824

Wells, Justice, on states' extraterritorial jurisdiction, 442

Weston, Burns H., & Stephen P. Marks (eds.), The Future of International Human Rights, *BR* 227

**Whaling, International Convention for the Regulation of Whaling** (1946), 149-50, 165

Wheeler, Nicholas. *See* Dunne, Tim

White, Michael, *ID* 678-84

Widner, Jennifer, Courts and Democracy in Post-conflict Transitions: A Social Scientist's Perspective on the African Case, *Sym.* 64

Wilcox, Clair, on trade sanctions, 801-2

Wilde, Ralph, From Danzig to East Timor and Beyond: The Role of International Territorial Administration, *NC* 583

Wippman, David, on international criminal prosecutions, 31

Wirth, David A., *BR* of Szasz, 471

Wolfensohn, James, on private sector engagement, 105-6

Wolfke, Karol, on custom, 777-8

Women's International Tribunal on Japanese Military Sexual Slavery, *Ed.* 335

**Women's International War Crimes Tribunal 2000**, 335-41

Wood, Gordon, on honor and binding effect of treaties, 324-5

**World Bank**

Post-Conflict Unit, 105

role in economic peace building, 102-19

trust fund on AIDS, *CP* 155-6

**World Health Organization**

and democracy-legitimacy deficit, 496-9

failure to use dispute settlement facilities, 499

**World Trade Organization (WTO)**

**Agreement on the Application of Sanitary and Phytosanitary Measures** (1994), 795

and democracy-legitimacy deficit, *LA* 499-508

and public international law, *LA* 535-78

in WTO dispute settlement, 552-77

WTO as part of, 535-52

Appellate Body decision striking down US Revenue Act of 1916, *CP* 147-9

applicable law before panel, 559-65

environmental review of trade agreements, *NC* 366-80

jurisdiction of panels, 554-9

nature of dispute settlement system, 553-4

remedies for democracy-legitimacy deficit, 504-8

**Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU)**, 535-78, 803-9, 818-23

**WTO trade sanctions**

appraisal of, 808-23

Article 22 as "political" safeguard, 818-20

effectiveness, 808-9

*gaiatsu*, 814

impact on other international organizations, 817-8

impact on WTO, 809-12

nontariff sanctions, 820-2

political and economic advantages, 813-4

political and economic disadvantages, 814-7

contemporary discourse on, 805-7

- dispute settlement system, 803-8
  - practice, 794-7
  - proposed compliance system, 824-31
    - domestic judicial enforcement, 824-5
    - imposing monetary fines, 825-7
    - international mobilization, 828
    - managing compliance process, 828-31
    - membership sanctions, 827-8
    - requiring compensation, 831
  - role of, 797-808
- Yee, Sienho, *Forum Prorogatum* and the Advisory Proceedings of the International Court, *NC* 381
- Yoshiaki, Yoshimi, on Japanese military sexual slavery, 337, 340
- Yost, Mark J., & Douglas S. Anderson, The Military Extraterritorial Jurisdiction Act of 2000: Closing the Gap, *CD* 446
- Young, Oran R., Creating Regimes: Arctic Accords and International Governance, *BR* 481
- Yugoslavia, Federal Republic of**
  - impact of international criminal justice on post-conflict peace building, 7-31
  - resumption of US diplomatic relations with, *CP* 387-9
- Zimbabwe**, head-of-state immunity, *CP* 874-6

